

## **REMARKS**

By this Amendment, claims 3-10, 12-16, 18, 19, 21 and 49 are canceled. Claims 1, 22-35 and 48 are pending. No issue of new matter arises.

### **Interview with the Examiner**

Applicants gratefully acknowledge the courtesies extended to their representative in conducting the March 17, 2008 personal interview. During the interview Applicants' representative and Examiner Berch discussed the specification and claims and types of argument, data and evidence that might overcome pending rejections. Additional comments relating to the substance of the interview are incorporated in remarks discussing the claim amendments.

### **Rejection under 35 U.S.C. §112, first paragraph: enablement**

Claims 3-10, 12-16, 18, 19, 21 and 49 were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. Applicants respectfully traverse this rejection.

The rejection was presented in four parts.

I. Claims 4-10 and 49 relating to treatment of cancerous hyperproliferative disorders.

II. Claims 12-14 relating to non-cancerous hyperproliferative disorders.

III. Claim 3 Treatment of both.

IV. Claims 15, 16, 18, 19 and 21 relating to apoptosis.

Claims 3-10, 12-16, 18, 19, 21 and 49 are canceled to obviate the rejection(s). Applicants are not prepared to present exemplary data and argument at this time, but understand that such data might be presented in a continuation application when the data is available. A Declaration under rule 132 would be one appropriate manner to introduce such data and argument.

### **Clarification**

At page 36, the Office Action notes that a previous response included a sentence that could not be deciphered. The sentence "However, disease models are effectively inhibited from cell culture experiments." is indeed incomplete. The reference was intended to indicate that cell culture experiments demonstrating inhibition (or other activities) can serve as acceptable disease models to show that the compound or method functions with respect to the disease being

modeled. Applicants apologize for this erroneous sentence. In any case Applicants believe that claim cancelations mentioned above render this mistake irrelevant.

### **Double Patenting**

An obviousness-type double patenting rejection was applied to all pending claims. Claims 3-10, 12-16, 18, 19, 21 and 49 are canceled. The rejection as it applies to these claims is thereby obviated. With respect to additional pending claims, a Terminal Disclaimer is attached to remove this impediment to allowance.

### **Conclusion**

In view of the above amendments and remarks, Applicants respectfully submit that the application is now in condition for allowance and request prompt indication of such. Should the Examiner wish to suggest additional amendments that might place the application in even better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

### **Fees**

No fees not otherwise provided for are believed to be necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments.

Respectfully submitted,



---

George S. Jones, Reg. No. 38,508  
Attorney/Agent for Applicant

sanofi-aventis US Inc  
Patent Department  
Route #202-206 / P.O. Box 6800  
Bridgewater, New Jersey 08807-0800  
Telephone: 908-231-3776  
Telefax: 908-231-2626  
Docket No. USA3960 US CNT